



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

JAN 19 2016

Mr. Joseph Johnston
Field Operations Manager
Safety Kleen Systems, Inc.
16090 Stewartsville Road
Vinton, VA 24179

**Re: Notice of Violation
Compliance Evaluation Inspection
June 23-24, 2015
EPA ID No. VAD000737361**

Docket Number: R3-16-NOV-RCRA-008

Dear Mr. Johnston:

On June 23-24, 2015 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Virginia Hazardous Waste Management Regulations 9 VAC 20-60 and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that Safety Kleen Systems, Inc. (the Facility) is violating regulations promulgated under the Virginia Hazardous Waste Management Regulations and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the review of the hazardous waste manifests the inspector observed manifest number 00483560SKS without a date for block 17, which is the day the transporter received the waste. The generator must obtain the handwritten signature of the initial transporter and date of acceptance on the manifest as required 9 VAC 20-60-262 (40 CFR 262.23(a)(2)). See inspection report page 6.
2. During the review of the Spill Prevention, Control & Countermeasure (SPCC) Mr. Derek Leonard was listed as the emergency Contact. According to the Facility Mr. Leonard was transferred to become Branch Manager at Safety Kleen Systems in Raleigh, North Carolina on April 1, 2015. Also the contact number for Virginia DEQ observed was incorrect. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator and be kept up to date as required by 9 VAC 20-60-265.A (40 CFR 265.54(d)). See page 6 of the Inspection Report.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Jan 19, 2016

Date

Enclosure

cc: S. Forostiak (3LC70)
R. Deppe (VDEQ)